IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

BARBARA RITTER,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 1:14-cv-463-SS
	§	
SCOTT & WHITE HEALTHCARE,	§	
SCOTT & WHITE CLINIC	§	
SCOTT & WHITE EMS, INC., and	§	
SCOTT & WHITE MEMORIAL	§	
HOSPITAL,	§	
	§	
Defendants.	8	

STIPULATION OF PARTIAL DISMISSAL WITHOUT PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Barbara Ritter and Defendants Scott & White Healthcare, Scott & White Clinic, Scott & White EMS, Inc, and Scott & White Memorial Hospital (collectively "S&W Defendants") file this stipulation so that Scott & White Healthcare and Scott & White EMS, Inc. can be dismissed by agreement. In support of this stipulation, the parties show the following:

1. Scott & White Clinic admits and stipulates that at all times relevant to the allegations in Plaintiff's Complaint and Jury Demand [Doc #1], it employed the physicians who saw, touched, or treated Leevon Ritter, the decedent. Additionally, Scott & White Memorial Hospital admits and stipulates that at all times relevant to the allegations in Plaintiff's Complaint and Jury Demand [Doc #1], it employed the nursing and other hospital staff who saw, touched, or treated Leevon Ritter, the decedent, while he was present at Scott & White Memorial Hospital. The conduct complained of in the Plaintiff's Complaint and Jury Demand [Doc #1]

was performed by Scott & White Clinic and Scott & White Memorial Hospital and not Scott & White Healthcare or Scott & White EMS, Inc.,

- 2. Scott & White Healthcare and Scott & White EMS, Inc. affirmatively state that at all times relevant to the allegations in Plaintiff's Complaint and Jury Demand [Doc #1], they played no role in the supervision of any of the physicians, nurses, medical providers or staff involved directly or indirectly in the care of Leevon Ritter, the decedent. If this proves inaccurate in any manner, Scott & White Healthcare and Scott & White EMS, Inc. hereby waive their right to oppose the filing of claims against them on the ground they are not timely or to assert the affirmative defense of statute of limitations.
- 3. In light of the S&W Defendants' above admissions and stipulations, Plaintiff Barbara Ritter and the S&W Defendants stipulate to voluntarily dismiss the other named Defendants, Scott & White Healthcare and Scott & White EMS, Inc.

WHEREFORE, Plaintiff Barbara Ritter and Defendants Scott & White Healthcare, Scott & White Clinic, Scott & White EMS, Inc, and Scott & White Memorial Hospital seek entry of the attached proposed order dismissing without prejudice Plaintiff's claims against Scott & White Healthcare and Scott & White EMS, Inc.

Respectfully submitted,

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ATTORNEYS FOR SCOTT & WHITE CLINIC AND SCOTT & WHITE MEMORIAL HOSPITAL

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Plaintiff,	§	
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SCOTT & WHITE EMS, INC., and	§	
SCOTT & WHITE MEMORIAL	§	
HOSPITAL,	§	
	§	
Defendants.	§	

ORDER ON STIPULATION OF PARTIAL DISMISSAL WITHOUT PREJUDICE

Based on the representations contained in their motion, Plaintiff Barbara Ritter and Scott & White Healthcare, Scott & White Clinic, Scott & White EMS, Inc, and Scott & White Memorial Hospital file this stipulation so that Scott & White Healthcare and Scott & White EMS, Inc. have stipulated to voluntary dismissal without prejudice of the claims against Scott & White Healthcare and Scott & White EMS, Inc.

WHEREFORE, pursuant to the Stipulation of Partial Dismissal Without Prejudice, the claims and causes of action against Scott & White Healthcare and Scott & White EMS, Inc. are dismissed without prejudice. Plaintiff, Scott & White Healthcare, and Scott & White EMS, Inc. are each responsible for their own attorney's fees and costs.

SIGNED this day of	, 2014.
	SAM SPARKS
	U.S. DISTRICT JUDGE